

Semble, the certificate of the examiner as to these points would not have been sufficient; and

Held, that in the absence of evidence it was not to be inferred, from the fact that the plaintiff attended at the time and place appointed for his examination, that there was any right then to examine him; and the plaintiff did not, by such attendance, waive his right to have the service and payment proved.

H. Cassels, for the plaintiff.

F. C. Moffatt, for the defendant.

Boyd, C.]

[Oct. 16.

HALL v. GOWANLOCK.

Discovery—Libel—Privilege—Answers tending to criminate—Costs.

No man can be compelled to answer a question incriminating himself. And where the defendant, upon his examination for discovery in an action of libel, refused to answer questions as to the authorship of the alleged libel, and claimed privilege, not before the examiner, but afterwards upon a motion by the plaintiff to commit him for refusal to answer, swearing positively that the answers might tend to criminate him;

Held, that he was entitled to the privilege, and that he was not too late to claim it. The costs of the motion to commit were made costs to the plaintiff in the cause.

Law Students' Department.

THE following papers were set at the Examination of the Law Society before Trinity Term, 1888.

SECOND INTERMEDIATE.

REAL PROPERTY.

1. What is the difference between the covenants for title in a statutory form of deed, and those in a statutory form of mortgage?
2. How is an estate tail barred? Explain fully.
3. What is meant by merger of estates? Explain fully the requisites of merger.
4. How long has a mortgagee within which to sue on the covenant in his mortgage, and

how long within which to recover the land, after default?

5. What is a contingent remainder? Give examples of the different contingencies upon which it may depend?
6. What are the rules as to creation of remainders?
7. What are the requisites of a deed?

BROOM'S COMMON LAW AND O'SULLIVAN'S GOVERNMENT IN CANADA.

1. Explain the writ of *prohibition*, and state in what cases it will be granted.
2. What is the meaning of the phrase *transit in rem judicatam*?
3. Into what three great heads are bailments usually divided? and what is the essential difference between them as to the liability of the bailee?
4. Explain the difference between *natural* and *local allegiance*.
5. Under what circumstances does the appropriation of *lost goods* by the finder amount to larceny?
6. Explain the difference between *larceny* and obtaining goods by *false pretences*.
7. What legislative powers, if any, has the Legislature of Ontario in criminal matters?

EQUITY.

1. What is meant by the term *advance-ment*? State generally in whose favour it will, and in whose favour it will not be raised.
2. State the requisites in a will to create a valid trust.
3. Explain and illustrate by an example the maxim that Equity acts *in personam*.
4. Is there any difference between the right of a trustee purchasing from his *cestui que trust* and a solicitor buying from his client? If so, distinguish between them.
5. A person imagining he is about to die, hands to A his cheque for \$1,000. Explain the effect of his gift.
6. Define the classes into which legacies are divided, giving an example of each.
7. Into what various heads has constructive fraud been divided?

PERSONAL PROPERTY—JUDICATURE ACT.

1. A and B are jointly liable to C on a bond. A dies, leaving D executor of his estate.